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UNITED STATES DEPARTMENT OF AGRICULTURE
AGRICULTURAL ADJUSTMENT ADMINISTRATION

ORDER SERIES—ORDER No. 3

ORDER REGULATING THE HANDLING OF
MILK IN THE ST. LOUIS, MO.,
MARKETING AREA



Issued by the Secretary of Agriculture January 30, 1936

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ORDER REGULATING THE HANDLING OF MILK IN THE ST. LOUIS, MISSOURI, MARKETING AREA

Whereas, it is provided by Title I, Section 8c of the Agricultural Adjustment Act, approved May 12, 1933, as amended, hereinafter called the "act", as follows:

ORDERS

Sec. 8c (1). The Secretary of Agriculture shall, subject to the provisions of this section, issue, and from time to time amend, orders applicable to processors, associations of producers, and others engaged in the handling of any agricultural commodity or product thereof specified in subsection (2) of this section. Such persons are referred to in this title as "handlers". Such orders shall regulate, in the manner hereinafter in this section provided, only such handling of such agricultural commodity, or product thereof, as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects, interstate or foreign commerce in such commodity or product thereof.

Whereas, the Secretary of Agriculture, hereinafter referred to as the "Secretary", having reason to believe that the issuance of a marketing agreement and order with respect to the handling of milk in the St. Louis, Missouri, Marketing Area, hereinafter referred to as the "marketing area", would establish and maintain such marketing conditions in the handling of milk in the marketing area as would tend to reestablish prices to farmers for milk produced for sale in the said area at a level that would give said milk a purchasing power with respect to articles that farmers buy, equivalent to the purchasing power of such milk in the base period, did, on the 21st day of October 1935, give notice of a hearing to be held at St. Louis, Missouri, on November 5, 1935, on a proposed marketing agreement and a proposed order regulating the handling of milk in the marketing area, and did hold such hearing on the 5th, 6th, 7th, 8th and 13th days of November 1935, and ample opportunity was given to all interested parties to be heard concerning the said proposed marketing agreement and proposed order; and

Whereas, a determination of the Secretary with respect to the order regulating the handling of milk in the marketing area, was executed by the Secretary on January 28, 1936, and approved by the President of the United States on January 29, 1936; and

Whereas, the Secretary has found and proclaimed that the purchasing power of class I and class II milk, handled in the marketing area, could not be satisfactorily determined for the base period August 1909 to July 1914, from available statistics of the United States Department of Agriculture, but that the purchasing power of said milk could be satisfactorily determined from available statistics of the United States Department of Agriculture for the period January 1923 to July 1929, which period was declared to be the base period to be used in connection with the proposed order in determining the purchasing power of said milk; and

Whereas, the Secretary has found that more than 77 percentum of the producers engaged in the production of milk for sale in the marketing area, during the month of November 1935, a representative period determined by the Secretary, have approved or favored the payment to all producers and associations of producers delivering milk to the same handler of uniform prices for all milk delivered by them, by their affirmative vote cast upon the question at a referendum submitted by the Secretary; and

Whereas, the Secretary finds that this order regulates the handling of milk in the marketing area, in the same manner as, and is made applicable only to persons in the respective classes of industrial or commercial activity specified in the marketing agreement upon which the hearing was held; and

Whereas, the Secretary finds, upon the evidence introduced at such hearing, and the record thereof:

1. That, normally, by far the greater portion of the milk handled in the marketing area enters the current of interstate commerce, as evidenced by the fact that, (a) during the period March 1934 to June 1935, inclusive, more than sixty-six (66) percentum of the milk handled by handlers in the marketing area was handled in interstate commerce and (b) more than eighteen (18) percentum of the milk handled in said area was physically mixed with the milk handled in interstate commerce, therefore, more than eighty-four (84) percentum of the milk handled in the marketing area entered the current of interstate commerce;

2. That the handling of milk in intrastate commerce so directly burdens, obstructs, and affects the handling of milk in the current of interstate commerce, that the handling of milk in the current of interstate commerce cannot be regulated without also regulating the handling of milk in intrastate commerce, that failure to regulate the handling of milk in intrastate commerce will obstruct and defeat the establishment and maintenance of such marketing conditions in the handling of milk in the current of interstate commerce, in the marketing area, as will tend to reestablish prices to farmers for such milk at a level that will give such milk a purchasing power with respect to articles that farmers buy, equivalent to the purchasing power of such milk in the base period;

3. That, at the time of said hearing and for a protracted period prior thereto, a severe disparity existed between the prices of milk and other products and that this disparity has largely destroyed the purchasing power of milk for other products, has broken down the orderly exchange of commodities, has affected the handling of milk in the said marketing area, and has directly burdened, obstructed, and affected the handling of milk in the current of interstate commerce;

4. That the prices received by producers for milk sold in each use classification, for a long time prior to said hearing, were at a level that gave such milk in each use classification a purchasing power, with respect to articles that farmers buy, considerably below the purchasing power of such milk in each use classification in the base period;

5. That the issuance of this order, and all the terms and conditions thereof, will establish and maintain such marketing conditions in

the handling of milk in the said marketing area as will tend to re-establish prices to producers for milk handled in the said marketing area at a level that will give said milk a purchasing power with respect to articles that farmers buy, equivalent to the purchasing power of such milk in the base period, and will gradually correct the current level of prices at as rapid a rate as is in the public interest, and will not maintain prices to producers above the level which will give such milk a purchasing power, with respect to articles that farmers buy, greater than the purchasing power of such milk during the base period;

6. That it has been and is the custom and practice of the handlers, producers and associations of producers, marketing milk in the said marketing area, to classify milk in accordance with the form in which, or the purpose for which it is used, and that it is advisable, (a) to continue this custom and practice by providing for two classes of milk, namely class I and class II; (b) to set a minimum price to be paid by handlers for class I milk; (c) to provide a method for fixing minimum prices to be paid by handlers for class II milk; and (d) to fix the time when handlers shall pay for milk purchased from producers or associations of producers;

7. That the prices to be paid for milk in each use classification should be uniform as to all handlers, subject to proper adjustments for the location at which delivery of such milk is made to such handler operating in the said marketing area;

8. That the payments to the producers and associations of producers delivering milk to the same handler should be uniform in price for all milk delivered by them to said handler, and such uniform prices should be determined according to the use made of such milk by the handler to whom it is delivered, subject to proper adjustments for the location at which delivery of such milk is made to the handler;

9. That all milk purchased by a handler from any producer, who did not regularly sell milk during a period of 30 days next preceding the effective date hereof, should, until the end of two full calendar months following the first day of the next succeeding calendar month, be paid for at the class II price in effect at such handler's plant where such producer delivered milk;

10. That it is necessary, for the proper administration of the order, that provision be made for the appointment of a market administrator by the Secretary;

11. That the necessary expense incurred in administering this order will be approximately forty thousand (40,000) dollars during the full year following the date hereof, and that a pro rata assessment of not to exceed one (1) cent per hundredweight of milk handled by handlers will yield sufficient revenue to meet such expense;

12. That the said marketing area, as defined, is the smallest area wherein the handling of milk can be practicably regulated;

13. That practices indulged in by handlers, with respect to the transportation of milk for and the supplying of goods or services to producers from whom milk is purchased, which would tend to defeat the intent and purpose of the order, constitute unfair methods of competition, and that such practices should be prohibited; and

14. That the appointment and selection of a market advisory committee consisting of representatives of consumers, producers, and

handlers, to make recommendations to the Secretary with respect to marketing conditions in the said marketing area, should be provided in this order;

Now, THEREFORE, it is ordered by the Secretary, acting under the authority vested in him as aforesaid, that such handling of milk in the marketing area, as is in the current of interstate commerce, or which directly burdens, obstructs, or affects the handling of milk in the current of interstate commerce, from and after the date herein specified by the Secretary, shall be in conformity to and in compliance with the following terms and conditions:

ARTICLE I—DEFINITIONS

SECTION 1. *Terms.*—The following terms shall have the following meanings:

1. "Act" means the Agricultural Adjustment Act, approved May 12, 1933, as amended.

2. "Secretary" means the Secretary of Agriculture of the United States.

3. "St. Louis Marketing Area", hereinafter called the "marketing area," means the territory within the corporate limits of the city of St. Louis, Missouri, and the territory within St. Ferdinand, Central, Carondelet, and Bonhomme townships in St. Louis County, Missouri; Chouteau, Venice, Nameoki, Granite City and Collinsville townships in Madison County, Illinois; and Stites, Canteen, Caseyville, East St. Louis, Centerville, Belleville, St. Clair, Sugar Loaf, Stookey, and O'Fallon townships in St. Clair County, Illinois.

4. "Person" means any individual, partnership, corporation, association, and any other business unit.

5. "Producer" means any person, irrespective of whether any such person is also a handler, who produces milk in conformity with, or subject to, the health requirements applicable for milk to be sold for consumption as milk in the market area.

6. "Handler" means any person, irrespective of whether such person is a producer or an association of producers, wherever located or operating, who engages in such handling of milk, which is sold as milk or cream in the marketing area, as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects, interstate or foreign commerce in milk and its products.

7. "Market Administrator" means the person designated pursuant to article II, as the agency for the administration hereof.

8. "Delivery Period" means the current marketing period from the first to the last day of each month, both inclusive.

ARTICLE II—MARKET ADMINISTRATOR

SECTION 1. *Selection, Removal and Bond.*—The market administrator shall be selected, and shall be subject to removal at any time, by the Secretary. Within forty-five (45) days following the date upon which he enters upon his duties, the market administrator shall execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

SEC. 2. *Compensation*.—The market administrator shall be entitled to such reasonable compensation as may be determined by the Secretary.

SEC. 3. *Powers*.—The market administrator shall have power:

1. To administer the terms and provisions hereof; and
2. To receive, investigate, and report to the Secretary complaints of violations of the terms and provisions hereof.

SEC. 4. *Duties*.—The market administrator, in addition to the duties hereinafter described, shall:

1. Keep such books and records as will clearly reflect the transactions provided for herein;
2. Submit his books and records to examination by the Secretary at any and all times;
3. Furnish such information and such verified reports as the Secretary may request;
4. Obtain a bond with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;
5. Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;
6. Furnish to the market advisory committee, when the same has been duly constituted, factual information in the form of general statements; provided, that such statements shall not identify the information furnished to the market administrator by any person;
7. Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any handler who, within fifteen (15) days after the date upon which he is required to perform such acts, has not (a) made reports pursuant to article V, and (b) made payments pursuant to article IX; and
8. Pay, out of the funds provided by article X, (a) the cost of his bond and of the bonds of such of his employees, as handle funds entrusted to the market administrator, (b) his own compensation, and (c) all other expenses which will necessarily be incurred for the maintenance and functioning of his office and the performance of his duties.

SEC. 5. *Responsibility*.—The market administrator, in his capacity as such, shall not be held responsible in any way whatsoever to any handler or to any other person, for errors in judgment, for mistakes, or for other acts either of commission or omission, except for his own wilful misfeasance, malfeasance or dishonesty.

ARTICLE III—CLASSIFICATION OF MILK

SECTION 1. *Sales and Use Classification*.—Milk purchased or handled by handlers shall be classified as follows:

1. Class I milk means all milk sold by handlers as milk containing not less than one-half of one percent of butterfat.
2. Class II milk means the quantity of milk purchased, sold or used by handlers in excess of class I milk.

SEC. 2. *Inter-handler Sales*.—Milk sold as milk or cream by handler to another handler shall be presumed to be class I milk; provided, that if such selling handler, on or before the date fixed for filing reports pursuant to article V, shall furnish proof satisfactory to the market administrator that such milk has been sold or used

by the purchasing handler other than as class I milk, then, and in that event, such milk shall be classified as class II milk.

SEC. 3. *Source of Class I Milk.*—The milk which was sold or distributed by each handler as class I milk shall be presumed to have been that milk which was delivered to such handler at plants within and nearest to the marketing area.

ARTICLE IV—MINIMUM PRICES

SECTION 1. *Class I Prices.*—Each handler shall pay producers, in the manner set forth in article IX, for class I milk, not less than the following prices:

1. In the case of milk delivered to such handler's plant located in the marketing area, \$2.10 per hundredweight;

2. In the case of milk delivered by producers to such handler's plant outside the marketing area, \$2.10 per hundredweight less the amount specified for the airline distance of such plant from the City Hall in St. Louis, as follows: Within twenty (20) miles, sixteen (16) cents; more than twenty (20) miles but not in excess of thirty (30) miles, an additional two (2) cents; more than thirty (30) miles but not in excess of forty (40) miles, an additional two (2) cents; and for each additional ten (10) miles, in excess of forty (40) miles, an additional one (1) cent.

SEC. 2. *Class II Prices.*—Each handler shall pay producers, in the manner set forth in article IX, for class II milk, not less than the following prices:

1. In the case of milk delivered to such handler's plant located in the marketing area, a price per hundredweight which shall be calculated by the market administrator as follows: Multiply by 3.5, the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk is purchased, add 30 percent thereof and add 15 cents;

2. In the case of milk delivered to such handler's plant, located outside the marketing area, the price calculated by the market administrator pursuant to paragraph 1 of this section less 15 cents; and

3. In the case of milk used by such handler for evaporated milk in hermetically sealed containers, the price set forth in the Marketing Agreement and License for Evaporated Milk, issued by the Secretary May 31, 1935.

SEC. 3. *Sales Outside the Marketing Area.*—With respect to class I milk sold outside the marketing area by a handler, the price to be paid to producers, in lieu of the price set forth in section 1, shall be such price as the market administrator ascertains to be the prevailing price paid by handlers, in the market where such milk is sold, for milk of the equivalent use, subject to a reasonable adjustment on account of transportation from the plant where such milk is received from producers to the plant where such milk is loaded for delivery on wholesale and retail routes.

SEC. 4. *Publication of Class II Price.*—On or before the second day after the end of each delivery period, the market administrator shall publicly announce the class II price in effect for such delivery period.

ARTICLE V—REPORTS OF HANDLERS

SECTION 1. *Periodic Reports.*—On or before the fifth day after the end of each delivery period, each handler shall, with respect to milk or cream handled by him during such delivery period, report to the market administrator, in the detail and form prescribed by him, as follows:

1. The receipts at each plant from producers who are not handlers;
2. The receipts at each plant from any other handler, including any handler who is also a producer;
3. The quantity, if any, produced by the handler; and
4. The respective quantities of milk which were sold or used, including sales to other handlers, for the purpose of classification pursuant to article III.

SEC. 2. *Reports as to Producers.*—Each handler shall report to the market administrator:

1. Within ten (10) days after the market administrator's request, with respect to any producer for whom such information is not in the files of the market administrator and with respect to a period or periods of time designated by the market administrator (a) the name and address, (b) the total pounds of milk delivered, (c) the average butterfat test of milk delivered and (d) the number of days on which deliveries were made.

2. As soon as possible after first receiving milk from any producer, (a) the name and address of such producer and (b) the date on which such milk was first received.

SEC. 3. *Report of Payment to Producers.*—Each handler shall submit to the market administrator, within twenty (20) days after the end of each delivery period, his producer payroll, or a report, which shall show, for such delivery period and for each and every producer, (a) his total delivery of milk with the average butterfat test thereof and (b) the net amount of the payment made to him with the prices, deductions and charges involved.

SEC. 4. *Verification of Reports.*—In order that the market administrator may submit verified reports to the Secretary pursuant to paragraph 3 of section 4 of article II each handler shall permit the market administrator or his representative, during the usual hours of business, to (a) verify the information contained in reports submitted by such handler pursuant to this article and to article VI, and (b) weigh, sample and test milk for butterfat.

ARTICLE VI—HANDLERS NOT HANDLING CLASS I MILK

SECTION 1. *Application of Provisions.*—Any handler who does not handle class I milk and who does not receive milk from producers shall, on or before the eighth day after the end of each delivery period, report to the market administrator the total quantity of cream and other milk products sold to each handler in the marketing area during such delivery period.

ARTICLE VII—HANDLERS WHO ARE ALSO PRODUCERS

SECTION 1. *Milk Purchased from Producers.*—In the case of a handler who is also a producer and has purchased milk from pro-

ducers, the market administrator shall, in the computations set forth in article VIII, first exclude the milk purchased by him in each class from other handlers and then apportion the milk purchased by him from producers to each class according to the ratio which such handler's remaining total sales in each class bears to his remaining total sales in all classes.

ARTICLE VIII.—DETERMINATION OF UNIFORM PRICES TO PRODUCERS

SECTION 1. *Computation of Value of Milk for Each Handler.*—For each delivery period, the market administrator shall compute, subject to the provisions of article VII, the value of milk sold or used by each handler, which was not purchased from other handlers, by (a) multiplying the quantity of such milk in each class by the price applicable pursuant to article IV and (b) adding together the resulting value of each class.

SEC. 2. *Computation and announcement of Uniform Price for Each Handler.*—The market administrator shall compute and announce for each handler the uniform price per hundredweight of milk delivered to him by producers during each delivery period as follows:

1. Add to the value computed pursuant to section 1 the amount of adjustment to be made pursuant to section 4 of article IX;
2. Subtract the total amount to be paid pursuant to paragraph 2 of section 1 of Article IX;
3. Divide by the total quantity of milk delivered by producers other than the milk represented by the amount subtracted in paragraph 2;
4. On or before the 10th day after the end of each delivery period, notify each handler of the uniform price computed for him; and
5. On or after the 15th day after the end of each delivery period, publicly announce the uniform price computed for each handler pursuant to this article with the differentials applicable pursuant to section 4 of article IX.

ARTICLE IX—PAYMENTS FOR MILK

SECTION 1. *Time and Method of Payment.*—On or before the 15th day after the end of each delivery period, each handler shall make payment, subject to the butterfat differential set forth in section 3, for the total value of milk received from producers during such delivery period as follows:

1. To producers, except as set forth in paragraph 2 of this section, at the uniform price per hundredweight computed for such handler pursuant to section 2 of article VIII, subject to the country station differentials set forth in section 4; and
2. To any producer, who did not regularly sell milk during a period of 30 days next preceding the effective date hereof to a handler or to persons within the marketing area, for all the milk delivered by such producer during the period beginning with the first regular delivery by such producer and continuing until the end of two full calendar months following the first day of the next succeeding calendar month, at the class II price in effect at such handler's plant where such producer delivered milk.

SEC. 2. *Errors in Payments.*—Errors in making the payments prescribed in this article shall be corrected not later than the date for making payments next following the determination of such errors.

SEC. 3. *Butterfat Differential.*—In making payments to each producer pursuant to this article, each handler shall add or subtract as the case may be, three (3) cents per hundredweight for each one-tenth of one percent butterfat content of the milk delivered by such producer which is above or below 3.5 percent.

SEC. 4. *Country Station Differentials.*—In making payments pursuant to paragraph 1 of section 1 of this article for milk received from producers at plants located outside the marketing area, if any, each handler shall deduct the amount per hundredweight specified for the air-line distance of any such plant from the City Hall in St. Louis as follows: within twenty (20) miles, sixteen (16) cents; more than twenty (20) miles but not in excess of thirty (30) miles, an additional two (2) cents; more than thirty (30) miles but not in excess of forty (40) miles, an additional two (2) cents; and for each additional ten (10) miles in excess of forty (40) miles, an additional one (1) cent.

SEC. 5. *Additional Payments.*—1. Any handler may make payments to producers in addition to the payments to be made pursuant to section 1 of this article; provided, that such additional payments shall be uniform as among all producers similarly circumstanced.

2. Each handler shall pay to any producers cooperative association, which the Secretary determines to be qualified under the Act of Congress of February 13, 1922, as amended, known as the "Capper-Volstead Act", and to be rendering service to such handler, a sum not exceeding four (4) cents per hundredweight of milk delivered by the members of such association as a payment for the service of such association to such handler.

ARTICLE X—EXPENSE OF ADMINISTRATION

SECTION 1. *Payments by Handlers.*—As his pro rata share of the expense of the administration hereof, each handler shall, on or before the 15th day after the end of each delivery period, pay to the market administrator, with respect to all milk delivered to him by producers or an association of producers or produced by him during such delivery period, a sum not exceeding one (1) cent per hundredweight, the exact sum to be determined by the market administrator subject to review by the Secretary. Each handler, who is a cooperative association of producers, shall pay such pro rata share of expense only on that milk received from producers at any plant of such association.

SEC. 2. *Suits by Market Administrator.*—The market administrator may maintain a suit in his own name against any handler for the collection of such handler's pro rata share of expense set forth in this article.

ARTICLE XI—UNFAIR METHODS OF COMPETITION

SECTION 1. *Unfair Methods of Competition.*—Each handler shall refrain from acts which constitute unfair methods of competition by way of indulging in any practices with respect to the transporta-

tion of milk for, and the supplying of goods or services to, producers from whom milk is purchased, which tend to defeat the purpose and intent of this order.

ARTICLE XII—MARKET ADVISORY COMMITTEE

SECTION 1. *Representation, Selection, Approval and Removal.*—Subsequent to the effective date of this order, representatives of producers, handlers and consumers, respectively, may certify to the Secretary the selection of three individuals by each such group for membership on the market advisory committee. Upon approval of the Secretary, the nine individuals so selected shall constitute the market advisory committee. Each member of the market advisory committee shall serve for a term of one year unless sooner removed by the Secretary. After the market advisory committee has been constituted, vacancies in the membership thereof shall be filled in the same manner as the original selections were made.

SEC. 2. *Powers.*—The market advisory committee shall have the power to recommend to the Secretary amendments to this order originating within itself or submitted to it by interested parties, after a study of the facts available to the market advisory committee.

ARTICLE XIII—SEPARABILITY

SECTION 1. *Separability.*—If any provision of this order is declared invalid or the applicability thereof to any person, circumstance or thing is held invalid, the validity of the remainder of this order and the applicability thereof to any other person, circumstance or thing shall not be affected thereby.

ARTICLE XIV—DEROGATION

SECTION 1. *Derogation.*—Nothing contained in this order is or shall be construed to be in derogation or in modification of the rights of the Secretary or of the United States (a) to exercise any powers granted by the act or otherwise, and (b) in accordance with such powers to act in the premises whenever such action is deemed advisable.

ARTICLE XV—DURATION OF IMMUNITIES

SECTION 1. *Duration of Immunities.*—The benefits, privileges and immunities conferred by virtue of this order shall cease upon its termination, except with respect to acts done under and during the existence of this order, and the benefits, privileges and immunities conferred by this order upon any handler shall cease upon its termination, except with respect to acts done under and during the existence of this order.

ARTICLE XVI—EFFECTIVE TIME, TERMINATION AND SUSPENSION

SECTION 1. *Effective Time.*—This order shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

SEC. 2. *Suspension*.—The Secretary may at any time suspend this order, or any provision thereof, by giving at least ten (10) days' notice by means of a press release or in any other manner which the Secretary may determine.

SEC. 3. *Termination*.—1. The Secretary may at any time terminate this order, or any provision thereof, by giving at least ten (10) days' notice by means of a press release or in any other manner which the Secretary may determine.

2. The Secretary shall terminate this order at the end of any delivery period whenever he finds that such termination is favored by a majority of the producers of milk who during the preceding delivery period have been engaged in the production for market of milk in the marketing area: *Provided*, That such majority have during such period produced for market more than fifty (50) per cent of the volume of such milk produced for market within said marketing area.

3. This order shall in any event terminate whenever the provisions of the act authorizing it cease to be in effect.

SEC. 4. *Effect*.—Unless otherwise provided by the Secretary in the notice of amendment, termination or suspension, of any or all provisions hereof, the amendment, termination or suspension shall not (a) affect, waive or terminate any right, duty, obligation or liability which shall have arisen or may thereafter arise in connection with any provision of this order; (b) release or waive any violation of this order occurring prior to the effective date of such amendment, termination or suspension; or (c) affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violation.

SEC. 5. *Continuing Power and Duty*.—If, upon the termination or suspension of this order, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, or by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such termination or suspension; provided, that any such acts required under the terms of this order to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

The market administrator or such other person as the Secretary may designate shall (a) continue in such capacity until discharged by the Secretary; (b) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator or such person, to such person as the Secretary shall direct; and (c) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property and claims vested in the market administrator or such person pursuant to this order.

SEC. 6. *Liquidation*.—Upon the termination or suspension of this order or of any provision thereof, the market administrator or such person as the Secretary may designate shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under

his control, together with claims for any funds which are unpaid and owing at the time of such termination or suspension.

Any funds collected for expenses, pursuant to the provisions of this order, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating the business of the market administrator's office, shall be distributed by the market administrator or such person to the contributing handlers in an equitable manner.

SEC. 7. *Determination of Emergency.*—The Secretary hereby determines that an emergency exists which requires a shorter period of notice than three days, and that the period of notice, with respect to the issuance of this order, which is hereinafter provided, is reasonable under the circumstances.

IN WITNESS WHEREOF, H. A. WALLACE, Secretary of Agriculture, acting under the provisions of the Agricultural Adjustment Act, approved May 12, 1933, as amended, does hereby execute in duplicate and issue this order in the city of Washington, District of Columbia on the 30th day of January, 1936, and pursuant to the provisions hereof, declares this order to be effective on and after 12:01 a. m., c. s. t., February 1, 1936.

H A Wallace
Secretary of Agriculture.

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